

R E M A R K S

1. Claims 1-40 are pending in this Application. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the discussion that follows.

Claims 1-40 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,611,590 to Lu et al. In response, independent claims 1, 16 and 31 have been further amended to more precisely clarify the invention.

In this regard, independent claims 1, 16 and 31 have been limited to the method step (and apparatus) to "independently spawn a call processing application based upon the determined type of call and upon the selected agent with a first end of the independently spawned call processing application operatively coupled to a predetermined protocol stack of the selected agent and with a second end of the independently spawned call processing application operatively coupled to a protocol stack of the client, said independently spawned call processing application being operable to exchange information between the selected agent and the client". Support for the further limitation may be found in par. [0049] of the specification.

In the Office Action of 3/11/05, the Examiner asserts that "Spawning, according to Webster's Dictionary (Tenth Edition), is said to mean, 'bring forth' or 'generate.' Webster further defines initialization as 'to set' or a 'starting position'. Therefore, the initialization of a call session would be the same as spawning a call process" (Office Action of 3/11/05, page 4).

However, as would be clear to anyone, the phrases "bring forth" or "generate" is suggestive of the creation of something (e.g., an application), which is clearly consistent with the description of the invention. In contrast, the Examiner's use of the phrases "to set" or a "starting position" are suggestive of manipulation of a pre-existing entity. Therefore, the Examiner is in error since "initiation of a call process" is clearly not the same of spawning a routing process.

With regard to claims 1, 6, 7, 16, 21, 22 and 31, rather than relating the claim elements to Lu et al., the Examiner merely recites the claim elements and refers the applicant to col. 1, lines 48-59; col. 4, lines 51-63 and col. 8, lines 37-42 of Lu et al. However, after reviewing the recited sections of Lu et al., it would appear that Lu et al. functions in a fundamentally different way than that of the claimed invention.

For example, claim 1 is limited to the method step of "independently spawning a call processing application based upon the determined type of call and upon the selected agent with a first end of the independently spawned call processing application operatively coupled to a predetermined protocol stack of the selected agent and with a second end of the independently spawned call processing application operatively coupled to a protocol stack of the client, said independently spawned call processing application being operable to exchange information between the selected agent and the client". The spawning of a call routing application would be inherently understood to involve creating a child process that would be independent of any other routing process. For example, "The SA 106 may retrieve and determine a format of the message (e.g., VoIP under H.323, VoIP under MGCP, VoIP under SIP, etc.). Upon determining the format of the message, the SA 106 may spawn a VoIP application compatible with the determined format" (specification, par. [0051]). The specification makes clear that spawned applications are independent (e.g., specification, par. [0049]).

In contrast, Lu et al. is directed to an Internet Interface Controller (IIC) 170 that merely routes calls. In this regard, Lu et al. explicitly states that "upon receiving a CALL_US request, the IIC determines the agent and the call center best suited to service a particular call, considered Enterprise-

wide, and initializes a call session between the caller 110 and the best suited call center 120" (Lu et al., col. 4, lines 55-59). As would be abundantly clear to those of skill in the art, the initialization of a call session is not the same as spawning a call application.

In the case of Lu et al., initializing a call session would merely involve initializing something that already exists.

As would be clear to those of skill in the art, a spawned application only exists for the duration of the process for which it was created, even though "applications 108, 110, 112, 114, 116, 118 may be assumed to be software layers that reside above and provide additional functionality to" (specification, par. [0044]) other call processing applications. As such, Lu et al. would not involve "independently spawning a call processing application based upon the determined type of call and upon the selected agent with a first end of the independently spawned call processing application operatively coupled to a predetermined protocol stack of the selected agent and with a second end of the independently spawned call processing application operatively coupled to a protocol stack of the client, said independently spawned call processing application being operable to exchange information between the selected agent and the client".

In addition, Lu et al. explicitly shows (FIG. 1) a routing engine 178. Since Lu et al. already has a routing

engine, Lu et al. would have no reason to spawn another, especially since Lu et al. fails to provide any description indicating a reason to do so.

The claimed invention is also clearly directed to a different kind of routing process than that of Lu et al. For example, Lu et al. is directed to routing call assignments rather than to setting up call connections that route audio information between clients and agents.

In this regard, the specification (par. [0040-44]) describes applications 108, 110, 112, 114, 116, 118 that may be spawned to route call information among end points 120, 122, 124, 126, 128, 130, 132. As described in the specification (par. [0040]), the end points represent stack locations 56, 58, 60, 62, 68, 70, 72.

Since Lu et al. fails to provide any teaching regarding the spawning of child processes, Lu et al. does not do the same or any similar thing as that of the claimed invention. Since Lu et al. does not do the same thing in the same way, the rejection of claim 1 is believed to be improper and should be withdrawn.

Claims 2-15 are dependent upon claim 1. Since claim 1 is allowable, claims 2-15 should also be allowable.

Claim 16 contains similar limitation to those of claim 1. FIG. 5 shows and the specification explicitly describes (par. [0044-59]) a set up application 106 that spawns call processing

applications. FIG. 5 also shows examples of a number of processes 108, 110, 112, 114, 116, 118 that may be spawned by the set up application 106. In contrast, Lu et al. does not provide any teaching of any apparatus that spawns routing processes.

Since Lu et al. fails to provide any teaching regarding apparatus for spawning of child processes, Lu et al. does not do the same or any similar thing as that of the claimed invention. Since Lu et al. does not do the same or any similar thing in the same way, the rejection of claim 16 is believed to be improper and should be withdrawn.

Claims 17-31 are dependent upon claim 16. Since claim 16 is allowable, claims 17-31 should also be allowable.

Similarly, claim 32 contains apparatus claims similar to the method claims of claim 1. FIG. 5 shows and the specification explicitly describes (par. [0044-59]) a setup application 106 that spawns routing processes. In contrast, Lu et al. does not provide any teaching of any apparatus that spawns routing processes.

Since Lu et al. fails to provide any teaching regarding the spawning of child processes, Lu et al. does not do the same or any similar thing as that of the claimed invention. Since Lu et al. does not do the same thing in the same way, the rejection of claim 32 is believed to be improper and should be withdrawn.

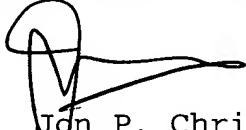
Claims 33-40 are dependent upon claim 32. Since claim 32 is allowable, claims 33-40 should also be allowable.

3. The allowance of claims 1-40 as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By



John P. Christensen
Registration No. 34,137

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WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500